

Message Text

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PAGE 01 PARIS 01975 231824Z

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C O N F I D E N T I A L PARIS 01975

E.O. 11652: GDS

TAGS: CGEN, PFOR, GE, US, FR

SUBJECT: US-GDR CONSULAR NEGOTIATIONS AND FRG CONCERNS

REF: (A) STATE 12391; (B) PARIS 1216

1. CONGEN AND EMBOFF DISCUSSED ISSUES RAISED REFTEL (A) JANUARY 22 WITH CLAUDE CHAYET, DIRECTOR OF QUAIS BUREAU OF TREATY, ADMINISTRATIVE AND CONSULAR AFFAIRS, WHO IS DIRECTLY INVOLVED IN AND CONVERSANT WITH STATE OF PLAY GDR CONSULAR NEGOTIATIONS. CHAYET MADE FOLLOWING POINTS:

2. QUAIS LEGAL DIVISION HAS STUDIED "NATIONALITY QUESTION." IT PERCEIVES NO OBJECTION IN PRINCIPLE TO INCLUDING IN ANY EVENTUAL FRENCH-GDR CONSULAR AGREEMENT A CLAUSE ACCEPTING GDR LAW AS GOVERNING QUESTION OF WHO IS A GDR CITIZEN, SINCE THIS IS NORMAL INTERNATIONAL PRACTICE. MOREOVER, IN CHAYET'S VIEW, APPLICATION THIS PRINCIPLE IN PRACTICE ALSO WOULD POSE NO DIFFICULTIES, SINCE FRENCH WOULD AT SAME TIME BE PREPARED TO ASSURE THE FRG IN AN EXCHANGE OF MEMORANDA THAT ITS CONSULAR

CONFIDENTIAL

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PAGE 02 PARIS 01975 231824Z

OFFICERS WOULD HAVE ACCESS TO ANY "GERMAN" WHO DESIRED

TO SEE THEM -- ALTHOUGH IN CASE OF GDR CITIZENS GDR
CONSUL WOULD HAVE TO BE NOTIFIED.

3. IN SHORT, IN CHAYET'S VIEW, QUESTION INVOLVED IS
NEITHER ONE OF LEGAL THEORY NOR OF CONSULAR IMPLEMENTA-
TION, BUT PURELY DOMESTIC POLITICAL PROBLEM FOR FRG
GOVERNMENT IN GENERAL AND FONMIN GENSCHER IN PARTICULAR.
WHAT'S MORE, CHAYET SAID, FRG WAS INTERNALLY
DIVIDED ON THIS ISSUE. FRENCH WERE AWARE THAT FRG
"TECHNICIANS" ASSUMED THAT EVOLVING FRG-GDR RELATIONSHIP
WOULD ALSO RESULT IN ADAPTATIONS IN SENSITIVE AREA OF
NATIONALITY, AND THAT PROBLEMS RAISED IN THIS REGARD BY
GERMAN CONSTITUTION WOULD SOMEHOW HAVE TO BE RESOLVED.
THE "ONLY ISSUE," THEREFORE, IN CHAYET'S VIEW, WAS HOW
VIGOROUSLY THE FRG'S GOVERNMENT WOULD IN FACT REACT
AT POLITICAL LEVEL TO GDR CONSULAR AGREEMENTS NOW BEING
NEGOTIATED; SINCE, AS THE AUSTRIAN CASE HAS JUST SHOWN,
THEY RENDER THE GOVERNING COALITION VULNERABLE TO SHARP
RIGHT WING ATTACKS. SPEAKING PERSONALLY, CHAYET THOUGHT
THAT, AFTER A CERTAIN AMOUNT OF BLUSTER, FRG WOULD IN
FACT ACQUIESCE IN GDR CONSULAR AGREEMENTS BEING WORKED
OUT BY WESTERN STATES, PROVIDED FRG CONSULAR ACCESS TO
ALL "GERMANS" WAS ASSURED IN PRACTICE IN RELATED
EXCHANGES OF NOTES. HOWEVER, CHAYET STRESSED THAT THIS
WAS MATTER INVOLVING POLITICAL JUDGMENTS FOR FRENCH
LEADERSHIP WHICH WOULD NOT BE MADE UNTIL UK-GDR CONSULAR
NEGOTIATIONS WERE COMPLETED, AND THE VIGOR OF THE FRG'S
POLITICAL REACTION COULD BE MORE RELIABLY ASSESSED.

4. IN ESSENCE, CHAYET MADE NO BONES ABOUT FACT THAT
FRENCH WERE WAITING FOR UK TO SET PRECEDENT, AND PERHAPS
ABSORB MOST OF THE FRG'S HEAT - AND WOULD ALSO WANT TO
SEE HOW US-GDR NEGOTIATIONS WERE PROGRESSING, BEFORE
MAKING UP THEIR MINDS ON THEIR OWN APPROACH. THEY WILL
THEN BE TECHNICALLY PREPARED TO MOVE AS QUICKLY AS THE
NEGOTIATING SITUATION WILL PERMIT.

5. CHAYET EXPRESSED HOPE THAT WE WOULD CONTINUE TO STAY
IN CLOSE TOUCH WITH QUAI AS OUR NEGOTIATIONS PROGRESSED.

CONFIDENTIAL

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PAGE 03 PARIS 01975 231824Z

6. COMMENT: WE ARE NOT YET CERTAIN WHETHER AMBASSADOR
CHAYET'S HIGHLY PRAGMATIC AND NON-LEGALISTIC APPROACH
WILL IN THE END REFLECT THE QUAI'S COMPOSITE THINKING,
ALTHOUGH THERE IS NO DOUBT ON THE CENTRAL POINT THAT THE
FRENCH INTEND TO AWAIT DEVELOPMENTS, AT LEAST FOR
SEVERAL MORE WEEKS.

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